

COMMITTEE OF ADJUSTMENT AGENDA

Date: Wednesday, November 1, 2023, 6:00 p.m.
Location: VIA ZOOM
Members: T. Jenney, Chair, J. Watson, L. Hillier, K. Medenblik, J. Smith

Pages

1. CALL TO ORDER
2. DISCLOSURE OF PECUNIARY/CONFLICT OF INTEREST
3. APPLICATIONS TO BE HEARD

- a. **Consent D10CON23.004H – Panchuk & Minor Variance
D13VAR23.020H – Panchuk**

4

Location: 100 Confederation Street, Town of Halton Hills (Glen Williams),
Regional Municipality of Halton

Consent Purpose: Proposed **new lot**, and proposed **daylight triangle** (related to the Glen Williams Estates proposed Draft Plan of Subdivision, File No. D12SUB20.001). The parcels are shown on the sketch of the subject lands as **Parcel A ± 0.10 ha, and Parcel C ± 0.01 ha** prepared by Van Harten Surveying Inc., date stamped as received by the Committee of Adjustment on September 26, 2023.

Minor Variance Purpose: Requesting relief from Zoning By-law 2010-0050, as amended,

1. To reduce the lot frontage from the minimum 30 m to permit a lot frontage of 23.3 m (severed lot).
2. To reduce the lot area from the minimum 0.2 hectares to permit 0.1 hectares (severed lot).
3. To permit an existing garage and a barn on a lot prior to the erection of the main building (retained lot).
4. To increase the height of an accessory structure from the maximum 4.5 m to permit a height of 6.86 m (existing garage).
5. To increase the floor area of an accessory structure from the maximum 40 sq m to permit a floor area of 158 sq m (existing

garage - proposed new roof and cladding).

6. To increase the total floor area of all accessory structures from the maximum 60 sq m to permit a total floor area of 360 sq m.
7. To permit the accessory structure to be located closer to the front lot line (2.7 m) than the future dwelling to the front lot line (existing garage - retained lot).

To accommodate a proposed new lot, alterations to existing garage, and improved access to future subdivision (related to Draft Plan of Subdivision, File No. D12SUB20.001).

Legal Description: PT LT 21, CON 9 ESQ, AS IN 607981; HALTON HILLS/ESQUESING

Owner(s): Neal & Ivana Panchuk, **Agent:** Wellings Planning Consultants Inc., Glenn Wellings

b. Minor Variance D13VAR23.030H – 1000187682 Ontario Inc.

16

Location: 504 Guelph Street, Town of Halton Hills (Norval), Regional Municipality of Halton

Minor Variance Purpose: Requesting relief from Zoning By-law 2010-0050, as amended,

1. To permit the encroachment of stairs accessing a basement, 1.98 m from the interior side lot line, whereas the By-law does not permit stairs to encroach into the 4.5 m side yard setback.

To accommodate proposed stairs accessing the basement.

Owner(s): Bhupinder Sidhu, **Agent:** Peter Vozikas

c. Minor Variance D13VAR23.031H – Leyburne

19

Location: 5 Elizabeth Street, Town of Halton Hills (Georgetown), Regional Municipality of Halton

Minor Variance Purpose: Requesting relief from Zoning By-law 2010-0050, as amended,

1. To reduce the minimum setback to the driveway in the front yard (that crosses the exterior side lot line), from the minimum 6 m to permit a setback of 2.69 m to the front lot line (Ewing Street).

To accommodate additional parking for a proposed accessory dwelling unit.

Owner(s): Troy Leyburne

d. Minor Variance D13VAR23.032H – Dykas

22

Location: 52 Barraclough Boulevard, Town of Halton Hills (Glen Williams), Regional Municipality of Halton

Minor Variance Purpose: Requesting relief from Zoning By-law 2010-0050, as amended,

1. To increase the total floor area of all accessory structures from the maximum 20 sq m to permit a total floor area of 62.8 sq m.
2. To increase the height of an accessory structure from the maximum 4.5 m to permit a height of 5.2 m.

To accommodate a proposed cabana.

Owner(s): Dan Dykas, **Agent:** Alana + Kelly Design, Alana Nielsen

e. Minor Variance D13VAR23.033H – Canadian Tire

23

Location: 315 Guelph Street, Town of Halton Hills (Georgetown),
Regional Municipality of Halton

Minor Variance Purpose: Requesting relief from Zoning By-law 2010-0050, as amended,

1. To reduce the minimum parking spaces from the required 592 to permit 439 parking spaces.

To accommodate a proposed expansion to the existing retail use.

Owner(s): Canadian Property Holdings (Ontario) Inc., Peter Brown,
Agent: Zelinka Priamo Ltd., Jonathan Rodger

4. ADJOURNMENT

TO: Niloo Hodjati, Secretary-Treasurer, Committee of Adjustment & Consent Official

FROM: Greg Macdonald, Senior Planner – Development Review

DATE: October 24, 2023

RE: Planning Recommendation for
Application D10CON23.004H and D13VAR23.020H - Panchuk
Municipally known as 100 Confederation Street
Town of Halton Hills (Glen Williams)

APPLICATION

A Consent application has been submitted for the property municipally known as 100 Confederation Street (Glen Williams) to create a new single detached residential lot (2 total lots including the retained lot) and a block for a future daylight triangle to be dedicated to the Town of Halton Hills (for the purposes of sightline visibility at the location of an intended new future road). Access to both residential lots (i.e., the severed and retained parcels) would be from a new public road that is proposed to be established on the property to the north through an active subdivision application submitted by that land owner. Planning applications for this subdivision, known as “Glen Williams Estates” (Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision) have been appealed to the Ontario Land Tribunal (OLT). A decision on the appeal is expected at the end of 2023.

The table below outlines the proposed lot sizes and frontages for each lot:

Parcel	Parcel Description	Area	Frontage
A	Severed Lot	0.1 ha (0.25 acres)	23.3 m (76.4 ft)
B	Retained Lot	0.33 ha (0.8 acres)	78 m (256 ft)
C	Daylight Triangle	.01 ha (0.025 acres)	N/A (daylight triangle)

To implement the proposed Consent application, the Applicant is also requesting relief from Zoning By-law 2010-0050, as amended:

1. To reduce the lot frontage from the minimum 30 m to permit a lot frontage of 23.3 m (severed lot).
2. To reduce the lot area from the minimum 0.2 ha to permit a lot area of 0.1 ha (severed lot).
3. To permit an existing accessory garage and barn on a lot prior to the erection of the main building (retained lot).

4. To increase the height of an accessory structure from the maximum 4.5 m to permit a height of 6.86 m (existing garage).
5. To increase the floor area of an accessory structure from the maximum 40 sq m to permit a floor area of 158 sq m (existing garage - proposed new roof and cladding).
6. To increase the total floor area of all accessory structures from the maximum 60 sq m to permit a total floor area of 360 sq m.
7. To permit the accessory structure to be located closer to the front lot line (2.7 m) than the future dwelling to the front lot line (existing garage - retained lot).

To accommodate a proposed new lot, alterations to existing garage, and improved access to future subdivision (related to Draft Plan of Subdivision, File No. D12SUB20.001).

POLICY CONTEXT

Planning Act

Section 51(24) of the *Planning Act* sets out criteria to consider when reviewing an application to subdivide land. These criteria include whether the proposal conforms to the municipality's Official Plan, the suitability of the land for the purposes for which it is to be subdivided, the dimensions and shapes of the proposed lots, whether the proposal is premature, adequacy of utilities and municipal services, and the adequacy of highways (i.e., roadways).

Section 53(1) states that a Consent may be granted provided the approval authority is satisfied that a plan of subdivision of the land is not necessary for the orderly development of the municipality. The proposal must also have regard to the matters of provincial interest under Section 2, specifically Subsection (h), the orderly development of safe and healthy communities, and Subsection (p), the appropriate location of growth and development.

Provincial Policy Statement (PPS), 2020

The 2020 Provincial Policy Statement (PPS) provides broad based policies that promote an appropriate range of housing types that make efficient use of infrastructure and public services facilities, thus supporting the development of healthy communities. Specifically, Section 1.1.3 of the PPS identifies Settlement Areas as the focus of growth and development. Section 1.1.4.1 and 1.1.4.2 of the PPS supports accommodating an appropriate range and mix of housing in rural settlement areas and that rural settlement areas should be the focus of growth and development in rural areas. However, as per Section 1.1.4.3 this growth must consider rural characteristics, the scale of development, and servicing.

Growth Plan for the Greater Golden Horseshoe

The 2019 Growth Plan policies indicate that most of the growth will be directed to settlement areas that have a delineated built boundary, existing or planned municipal water and wastewater servicing and can support the achievement of complete communities. The Growth Plan considers existing hamlets that are long established and identified in official plans, such as Glen Williams, to

be a rural settlement area. Section 2.2.9 of the Growth Plan directs new multiple lot developments to settlement areas within the rural area. However, while growth is to occur in rural settlements, it is envisioned to be limited.

Region of Halton Official Plan

The subject property is designated as “Hamlet” in the 2009 Regional Official Plan (ROP), as amended. Section 103 of the ROP specifies that Hamlets are compact rural communities designed to accommodate future residential growth in the rural area and small scale industrial, commercial, and institutional uses serving the farming and rural communities. Section 105 of the ROP specifies that new lots can be created in Hamlets provided they conform to the policies of the Regional Official Plan and policies within the Local Official Plan and Hamlet Secondary Plan.

Town of Halton Hills Official Plan

Under the Town’s Official Plan, the subject lands are identified as falling within the Hamlet Area of Glen Williams. The Glen Williams Secondary Plan provides the policy direction for the Hamlet, including policy objectives to recognize the unique character of Glen Williams, carefully control new residential development to maintain the character of the Glen, and ensure that all development is serviced by sewer and water services.

Both the proposed severed and retained parcels are designated Hamlet Residential Area, which allows single detached dwellings. The objective of this designation is to allow for gradual and limited residential growth over time in a manner that is consistent with the character of the Hamlet. Policy H4.5.3 establishes the land use policies for this designation, which include a requirement that new development will be serviced with municipal water and wastewater; that a minimum lot size of 0.1 ha (maximum 0.4 ha) be provided; and that a mix of lot sizes occur.

In addition, as per Section F1.2.1 of the Official Plan, prior to approval for the creation of a new lot for any purpose, the lot to be retained and the lot to be severed must meet the following criteria:

- a) front on and will be directly accessed by a public road that is maintained on a year-round basis;
- b) will not cause a traffic hazard;
- c) has adequate size and frontage for the proposed use in accordance with the implementing Zoning By-law and is compatible with adjacent uses;
- d) can be serviced with an appropriate water supply and means of sewage disposal;
- e) will not have a negative impact on the drainage patterns in the area;
- f) will not restrict the development of the retained lands or other parcels of land, particularly as it relates to the provision of access, if they are designated for development by this Plan; and,
- g) will not have a negative impact on natural heritage features and related ecological functions in the area.

Policy H4.3.13 also states that new housing within Mature Neighbourhood Areas shall be permitted provided it is compatible, context sensitive, and respectful of the existing character of the neighbourhood and that minor variances associated with new housing shall consider, where applicable:

- a) compatibility with existing building orientation and building setbacks;
- b) that the scale, massing, building height, and built form features are compatible with the existing character of the neighbourhood;
- c) the preservation of landscaped open space areas and the protection of existing trees; and,
- d) that impacts on adjacent properties are minimized.

Town of Halton Hills Zoning By-Law

The subject lands are zoned Hamlet Residential One (HR1) with a Mature Neighbourhood One (MN1) overlay. This zone permits single detached dwellings on lots that have a minimum lot frontage of 30 m and minimum lot area of 0.2 ha.

COMMENTS

Internal Department and External Agency Comments

The Consent and Minor Variance applications were circulated for review and comment to Town departments and external agencies. No specific comments relating to the Minor Variances were received; however, relevant comments regarding the Consent application are as follows:

Halton Region

Regional staff have provided several comments on varying topics related to matters of regional interest including:

- The retained parcel is located closer than 10 m from a dripline of a significant woodland. Unless an Environmental Impact Assessment (EIA) is completed, the Applicants must complete the Region's Waiving Assessment Tool. This would be a condition of approval of the Consent Application.
- The submitted Phase 1 Environmental Site Assessment (ESA) noted the requirement of a Phase 2 ESA due to the presence of an Area of Environmental Concern (APEC). The requirement of a Phase 2 ESA would be a condition of approval of the Consent Application.
- The Applicant must secure two Single Detached Equivalent (SDE) of servicing allocation from the Town of Halton Hills.
- The severed and retained parcels must be on full municipal services and no such sanitary sewers currently exist to service the lands. It is acknowledged that the proposed Draft Plan of Subdivision on lands to the north would eventually make such services available, but that plan is still under appeal with the OLT and is not yet draft approved.

Based primarily on the lack of existing wastewater servicing and that the subdivision plan that would provide such services is still before the OLT, the Region of Halton is of the opinion that the proposed Consent is premature and should be deferred until that time. However, should the committee approve the application, the Region of Halton would require several conditions be added to the approval which shall be addressed before the certificate is issued (see Schedule 1 below).

Public Comments

No comments have been received from the public as of the date this report was prepared.

Planning Comments

Consent Application

The proposed Consent application would create a new residential lot to the rear of the existing dwelling at 100 Confederation Street, which is shown as Parcel B on the severance sketch (referred to as the “retained” lot). The existing detached garage and barn structures would be situated on the “retained” lot. The existing single detached dwelling, located close to Confederation Street, is proposed to be situated on the “severed” lot (shown as Parcel A on the severance sketch). It is the Applicant’s intention that both the severed and retained lots would have vehicular access to a new public road intended to be established immediately to the north of the lands through a Draft Plan of subdivision process. The existing access driveway off Confederation Street would then be removed once the new driveway is constructed. The two lots could also connect to the full municipal services intended to be located under the new road (i.e., municipal water and sanitary sewers).

It is important to note that the proposed Consent application would also create Parcel C (on the severance sketch), which would be dedicated to the Town of Halton Hills as a future daylight triangle to ensure proper sightline visibility at the intersection of Confederation Street and the new public roadway intended to be constructed as part of Glen Williams Estates subdivision to the north of the subject lands.

Planning staff do not have any objections to the proposed severance, in principle. The lots meet the minimum size set out in the Glen Williams Secondary Plan (0.1 ha) for serviced lots. Staff also believe that the severance would satisfy the criteria to be considered when evaluating Consent applications seeking to create new lots (Section F1.2.1):

- Should the Glen Williams Estates subdivision be approved, the lots will front on to and are accessed from a new public road;
- The creation of two new lots on the future roadway is not anticipated to create a traffic hazard;
- The lots are of an appropriate size (note that the minimum lot size of 0.2 ha in the Zoning By-law is meant to apply to lots on private services, not serviced lots);

- The lots will be serviced by municipal water and wastewater services that will be extended as a result of the Glen Williams Estates subdivision, should it be approved;
- While an updated grading plan is required, the lots will be required to meet town grading policies;
- The severance will not restrict any development of adjacent properties; and,
- The proposal would not impact natural heritage features.

However, the primary issue regarding the proposed Consent is that for the severance to be finalized and the new lot created, the new roadway along the north of the subject lands must be secured to provide legal frontage and access (vehicular and pedestrian) and to allow the severed and retained lots to be on full municipal services (which is a requirement of the Glen Williams Secondary Plan). As noted earlier in this report, the Draft Plan of Subdivision (and related Official Plan Amendment and Zoning By-law Amendment) has been appealed to the OLT. It is envisioned that a decision on the applications will be made by the OLT in late 2023.

Therefore, Town staff's support for the severance is conditional upon the proposed subdivision to the north being approved and registered, which will result in the establishment of the new road. The Applicant has indicated they are supportive of this condition and acknowledge that they accept the risk, in the absence of a final decision on the Glen Williams Estates subdivision application, that either:

- the Glen Williams Estates applications may be denied at the OLT, which means the Consent conditions cannot be satisfied; or,
- if the OLT approves the applications, the subdivision won't be registered, and the roadway and servicing be made available within the 2-year requirement for conditions of approval of Consent Applications to be cleared. If the conditions of approval are not cleared within the 2-year requirement, the Consent Application is deemed to be refused.

Staff note that since the Consent application was filed some progress has been made on discussions between the Town of Halton Hills and the Applicant for Glen Williams Estates that leads staff to believe that a settlement could be reached, resulting in the approval of the subdivision application by the OLT in 2023. Therefore, it is staff's opinion that the Consent application can proceed, despite the Region of Halton's comments that they believe the application to be premature.

Minor Variance Application

Variance 1 -The existing property at 100 Confederation Street currently only has 27 m of frontage which is an existing legal non-conforming situation. The Minor Variance is required as the rear of the lot is being severed from the front and as such, both the severed and retained lots must comply with the Zoning By-law. In addition, as noted above, a daylight triangle is also being taken from northeast corner of the subject lands which results in the width of the existing lot being further reduced to the requested 23.3 metres. However, this will not impact streetscape character as the existing dwelling is planned to be retained and from the street the same amount of general open

space character and landscaping would continue to exist (just a portion of that open space would be within the future municipal right-of-way).

Variance 2 - The intent of the 0.2 ha minimum lot size requirement is to ensure that lots within Glen Williams that are on private services (wells and septic systems) have sufficient lot area so that these private services can be accommodated and to maintain hamlet character in the older mature neighbourhoods of Glen Williams. However, the Glen Williams Secondary Plan notes that minimum lot sizes for new serviced lots is 0.1 ha. The severed lot that contains the existing single detached dwelling would have a lot size of 0.1 ha. This resized lot will be required to connect to future municipal water and sanitary sewers, otherwise, the finalization of the lot creation cannot occur. As noted above, streetscape character would not be affected and as such hamlet character is being maintained.

Variance 3 – The Zoning By-law does not allow accessory buildings to be the primary building on a residential property. The retained lot would contain 2 existing accessory structures (a former barn and a garage). It is intended that a new single detached dwelling be constructed on this lot; however, that cannot occur until after the lot is created and the lot has legal frontage and can be serviced. Therefore, the variance is required as a temporary measure until the new dwelling is constructed.

Variance 4 – The Applicant plans to install solar panels for electricity generation on the roof of the existing garage. The garage has a height of 5.18 m, already taller than permitted. For the solar panels to maximize their efficiency and ensure snow shedding from the roof, a greater roof pitch is required, and the maximum height of the garage is proposed to increase to 6.86 m. It is noted that the garage is located some distance from other existing residential properties and would not adversely impact surrounding uses.

Variance 5 & 6 – In order to improve the aesthetics of the existing garage, the applicant proposes to re-clade the structure. The re-cladding of the structure technically results in a 4.1 sq. m increase in the size of the building (as the size of the structure is calculated from the exterior limits of the building, not by usable floor area). This increase is negligible and otherwise the size of the existing garage and the combined sizes of the garage and former barn structure represent an existing situation.

Variance 7 – The existing garage is currently located to the rear of the dwelling at 100 Confederation Street. However, because of the severance, the garage would no longer be on the same property as the existing dwelling and would be on a new lot that does not yet have a dwelling located on it. The lands immediately to the north of the subject lands is the location of a future new municipal road that will provide access to both a planned subdivision (Glen Williams Estates) and vehicular access to both the severed and retained lands. This also means that the lot the garage would be located on would have its front yard be the yard closest to this new street. Due to the location of the existing garage, it will be impossible to site the future dwelling closer to the new street than the garage and as such this variance is required.

RECOMMENDATION

Planning staff has no objection to the Consent applications, subject to the Conditions outlined in Schedule 1.

Additionally, staff has no objection to the approval of the Minor Variance application (subject to the Conditions outlined in Schedule 1) as it is the opinion of Planning that the application for Minor Variance meets the four tests of a Minor Variance as outlined in the Planning Act. The application:

- 1) meets the intent and purpose of the Town of Halton Hills Official Plan;
- 2) meets the intent and purpose of the Town of Halton Hills Zoning By-law;
- 3) is considered to be desirable for the appropriate development or use of the property; and,
- 4) is considered to be minor in nature.

Reviewed and Approved by,

A handwritten signature in black ink, appearing to read "Jeff Markowiak". The signature is written in a cursive, flowing style.

Jeff Markowiak, Director of Development Review

SCHEDULE 1

CONDITIONS OF CONSENT APPROVAL

Prior to the issuance of the final Consent Certificate by the Town of Halton Hills, the Owner shall address the following conditions:

Town of Halton Hills Conditions

1. The Owner shall provide a draft reference plan to the Secretary-Treasurer, Committee of Adjustment & Consent Official for review and approval prior to being deposited at the Land Registry Office (LRO).
2. The Owner shall submit a digital copy (via e-mail) and one hard copy of the deposited reference plan to the Secretary-Treasurer, Committee of Adjustment & Consent Official.
3. The Owner shall provide cash-in-lieu of parkland in the amount of \$17,000 to the Town for the Parcel B (Retained Lot). The cash-in-lieu of parkland amount is 5% of the appraised value of the lot.
4. The Owner shall enter into a Consent Agreement. Such conditions include but are not limited to:
 - a) Provision of security for the works and any required cash payments (i.e., any applicable administration fee and cash-in-lieu of parkland dedication prior to the Town signing the Consent Agreement).
 - b) Provision for commercial general insurance with liability coverage prior to the Town signing the Consent Agreement.
 - c) The Consent Agreement will be registered as first person on title (i.e., the Owner must be prepared to provide postponement of any existing charge prior to registration of the agreement).
5. The Owner shall pay the required certificate fee in the amount current at the time of the issuance of the certificate.
6. That the adjacent plan of subdivision, which will create the required frontage onto a public road allowance, be fully registered prior to the completion of this consent.
7. That the necessary land purchase and sales agreement be fully executed between the applicant and the adjacent developer.
8. That the applicant agrees to participate in the subdivision registration process, as required, to facilitate the transfer of lands (Blocks 32 and 39 as shown of the Draft

Plan of Subdivision and Parcel C from this application) from the plan of subdivision to create the necessary frontage onto a public road allowance.

9. That approval by Halton Region for municipal water and wastewater servicing be granted.
10. That Parcel C, as shown, be gratuitously dedicated to the Town for a future road allowance, free and clear of all encumbrances.
11. That the applicant shall apply for and acquire an entrance permit from the Town, which includes fees and securities, for a new driveway for the severed parcel and the retained parcel. Further, the driveways shall be constructed and associated restoration completed to the Town satisfaction within 12 month of the registration of the plan of subdivision.
12. That the applicant agrees to remove and restore the existing driveway to Confederation St. as part of their required entrance permit for the severed parcel.
13. That the applicant agrees, prior to submitting a building permit, they shall apply for and acquire a Site Alteration Permit from the Town (one permit for each new lot) that clearly demonstrates the proposed grading and drainage pattern in accordance with Town standards and is to the Towns satisfaction.
14. That the applicant agrees that the existing and proposed grading and drainage for the existing and retained parcels shall match, to Town satisfaction, the approved design of the adjacent plan of subdivision. This may require retaining walls or steeper slopes on the severed or retained parcels to match the future Town owned road allowance and pond block.

Region of Halton Conditions

15. The applicant is required to submit an EIA Waiving Assessment Tool to Regional Satisfaction.
16. The applicant is required to submit a Phase Two ESA and associated Reliance Letter to Regional satisfaction
17. That the applicant secures two (2) SDEs of servicing allocation from the Town of Halton Hills for the proposed use, to the satisfaction of Halton Region.
18. That the owner provides a Servicing Brief to the Region of Halton that demonstrates how the proposed two lots will be serviced by water and sanitary services that have been approved and secured to the Region's satisfaction.

CONDITIONS OF MINOR VARIANCE APPROVAL

1. That the setback from the foundation, eaves and overhang of the existing garage to the edge of the existing and future road allowance be maintained and not further reduced.
2. That no new building features, such as but not limited to, heating and ventilation intakes or exhaust pipes, air conditioning devices, hydro metres, utilities boxes, etc. be installed or located on the existing garages north wall or on the north side of the roof top.
3. That no new doorways or windows be added to the north wall or roof top.

Notes

Planning

- Minor Variances 1, 2, 3 and 7 would only be in force and effect at such time that the related Consent Application is final approved (all conditions cleared and the certificate issued) and the retained lot has been established as its own lot.

Halton Region

- The Owner will be required to pay all applicable Regional Development Charges (DCs) in accordance with the Region of Halton Development Charges By-law(s), as amended. If a subdivision (or other form of development) agreement is required, a portion of the Regional DCs for residential units may be payable upon execution of the agreement or in accordance with the terms and conditions set out in the agreement. In addition, commencing January 1, 2017, every owner of land located in Halton Region intended for residential development will be subject to the Front-ending Recovery Payment. Residential developments on lands located in Halton Region that prior to January 1, 2017 are part of a Regional allocation program, or have an executed Regional/Local Subdivision or consent agreement, or have an executed site plan agreement with the Local Municipality, or received a notice in writing from the Local Municipality that all requirements under the Planning Act have been met, or obtained a building permit are not subject to the Front-ending Recovery Payment. The above note is for information purposes only. All residential development applicants and every owner of land located in Halton Region assume all the responsibilities and risks related to the use of the information provided herein. Please visit our website at <https://www.halton.ca/The-Region/Finance-and-Transparency/Financing-Growth/Development-Charges-Front-ending-Recovery-Payment> to obtain the most current information which is subject to change.

Halton Hills Hydro

- The existing hydro service to this residence is overhead from HHHI's overhead distribution system on Confederation St, Halton Hills. Given the plans provided in this application, it is possible the proposed addition may be in conflict with the overhead secondary conductors and/ or the existing hydro meter base. Customer to request for hydro disconnection and removal prior to commencement of construction if required and submit temporary service request as required. Customer shall request for a Technical Service Layout Request for the permanent service when required. The customer should review our Condition of Service prior to submitting applications. Please find links below:

TSLO - <https://haltonhillshydro.com/for-business/building-upgrades-or-demolition/new-service-upgrades/application-electrical-service-form/>

Disconnect and Removal Application - <https://haltonhillshydro.com/for-home/building-upgrades-or-demolition/building-demolition/disconnect-and-removal-application/>

COS - <https://haltonhillshydro.com/for-home/conditions-of-service/>

- Please note that any costs due to changes required of Halton Hills Hydro's distribution system (i.e., moving poles to accommodate lane ways, driveways, and parking lots, etc.) will be borne by the applicant.

Credit Valley Conservation (CVC)

- Please note that portions of both the retained and severed lots are regulated by CVC, and any proposed development within CVC's Regulated Area would require a CVC permit. Please contact CVC staff to discuss any proposed development on the properties.

TO: Niloo Hodjati, Secretary-Treasurer, Committee of Adjustment & Consent Official

FROM: Josh Salisbury, Planner – Development Review

DATE: October 24, 2023

RE: Planning Recommendation for
Application D13VAR23.030H – 1000187682 Ontario Inc.
Municipally known as 504 Guelph Street
Town of Halton Hills (Norval)

APPLICATION

Requesting relief from Zoning By-law 2010-0050, as amended:

1. To permit the encroachment of stairs accessing a basement, 1.98 m from the interior side lot line, whereas the By-law does not permit stairs to encroach into the 4.5 m side yard setback.

To accommodate proposed stairs accessing the basement.

Proposal

The Applicant is proposing to convert an existing multi-use building into a day nursery and a single detached home.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated predominately as Hamlet Community Core Area, with also a Protected Countryside Area designation for a small part of the property at the rear. The Hamlet Community Core designation permits single detached dwellings as well as day nurseries on existing lots. The main permitted uses for the Protected Countryside Area include single detached dwellings.

Town of Halton Hills Zoning By-Law

The subject property is zoned Hamlet Commercial (HC) in the Town's Comprehensive Zoning By-law 2010-0050, as amended. The HC zone permits single detached dwellings as well as day nurseries.

Section 4.8 e) of the Zoning By-law does not permit stairs accessing a basement to encroach into an interior side yard.

COMMENTS

Internal Department and External Agency Comments

This application was circulated for review and comment to Town departments and external agencies. No objections were received; relevant comments regarding the Minor Variance application are as follows:

Planning

The intent of the prohibition of the encroachment into an interior side yard of stairs accessing a basement is to provide separation between the lot line for drainage purposes, maintenance of the building's eaves/outside walls and to access the property's rear yard. In addition, these requirements are intended to provide an area for landscaping to maintain privacy. Given the proposed dwelling will still have adequate room for maintenance purposes, landscaping and privacy, and the staircase does not appear to inhibit any access of water to the swale on the shared lot line, Planning staff is of the opinion that the intent of encroachment provision is being maintained.

Public Comments

Town staff have not received any comments from the public at the time of writing this report.

RECOMMENDATION

It is the opinion of Planning staff that the application for Minor Variance meets the four tests of a Minor Variance as outlined in the *Planning Act*. The application:

- 1) meets the intent and purpose of the Town of Halton Hills Official Plan;
- 2) meets the intent and purpose of the Town of Halton Hills Zoning By-law;
- 3) is considered to be desirable for the appropriate development or use of the property; and,
- 4) is considered to be minor in nature.

Planning staff has no objection to the approval of this application, subject to the following conditions:

1. The location and construction of the proposed staircase shall be generally in accordance with drawings Proposed Elevations, Proposed Basement Plan, Proposed First Floor Plan, Proposed Second Floor Plan, Proposed Third Floor Plan drafted by Empire Design Company, and On-Site Sewage/Septic System drawing drafted by Igloo Homes, date stamped by the Committee of Adjustment on September 27, 2023, to the satisfaction of the Commissioner of Planning & Development.

2. The Owner shall provide proof of payment of outstanding property taxes, plus any penalty fees, to the satisfaction of the Town.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes

Halton Hills Hydro

Halton Hills Hydro must be contacted for an Electrical Service Layout if a new service or upgrade to an existing service is required; or metering changes. Location and method of servicing is at the sole discretion of Halton Hills Hydro.

Please note that any costs due to changes required of Halton Hills Hydro's distribution system (i.e. moving poles to accommodate lane ways, driveways and parking lots, etc.) will be borne by the applicant.

If it is an application for a subdivision, the applicant is required to complete the necessary requirements to obtain a Registered Subdivision Agreement with Halton Hills Hydro. Please contact Mitchell for further information at Ext. 240.

TO: Niloo Hodjati, Secretary-Treasurer, Committee of Adjustment & Consent Official

FROM: Ruth Conard, Planner – Development Review

DATE: October 24, 2023

RE: Planning Recommendation for
Application D13VAR23.031H – Leyburne
Municipally known as 5 Elizabeth Street
Town of Halton Hills (Georgetown)

APPLICATION

Requesting relief from Zoning By-law 2010-0050, as amended:

1. To reduce the minimum setback to the driveway in the front yard (that crosses the exterior side lot line), from the minimum 6 m to permit a setback of 2.69 m to the front lot line (Ewing Street).

To accommodate additional parking for a proposed accessory dwelling unit.

Proposal

The variance is required in order to widen the driveway in the front yard in order to accommodate additional parking for a proposed accessory dwelling unit.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Low Density Residential Area under the Town of Halton Hills Official Plan. The main permitted uses in the Low Density Residential Area designation include single detached dwellings.

Town of Halton Hills Zoning By-law

The subject property is zoned Low Density Residential One – Two (Mature Neighbourhood) (LDR1-2(MN)) under the Town's Comprehensive Zoning By-law 2010-0050, as amended. Single detached dwellings are permitted. Section 5 of the Zoning By-law entitled Parking and Loading Standards states that driveways in an exterior side yard that cross the exterior side lot line shall be located no closer to the front lot line than the minimum distance requirement for the main building

from the front lot line. The Zoning By-law defines the front lot line (on a corner lot) as the shortest lot line that divides the lot from a public street, which is Ewing Street. The Zoning By-law defines the exterior side lot line as the lot line of a corner lot, other than the front lot line, which divides the lot line from a public street, which is Elizabeth Street.

COMMENTS

Internal Department and External Agency Comments

This application was circulated for review and comment to Town departments and external agencies. No objections were received; relevant comments regarding the Minor Variance application are as follows:

Planning:

The intent of maintaining a driveway setback in the front yard is for the protection of sight lines, the preservation of the streetscape and for landscape maintenance. The subject property is a corner lot where the driveway is accessed from Elizabeth Street, which is the exterior side lot line and located adjacent to Ewing Street, which is the front lot line. The By-law states when a driveway crosses an exterior side lot line, it shall be located no closer to the front lot line than the minimum distance required for the main building, which is 6 m. Given the extent of relief requested, staff views the intent of the above requirements to be maintained.

Public Comments

No comments have been received from the public as of the date this report was prepared.

RECOMMENDATION

It is the opinion of Planning staff that the application for Minor Variance meets the four tests of a Minor Variance as outlined in the Planning Act. The application:

- 1) meets the intent and purpose of the Town of Halton Hills Official Plan;
- 2) meets the intent and purpose of the Town of Halton Hills Zoning By-law;
- 3) is considered to be desirable for the appropriate development or use of the property; and,
- 4) is considered to be minor in nature.

Planning staff has no objection to the approval of this application, subject to the following condition:

1. The proposal shall be generally in accordance with the Site Plan Sketch, date stamped by the Committee of Adjustment on September 22, 2023, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes:

Halton Hills Hydro:

- Halton Hills Hydro must be contacted for an Electrical Service Layout if a new service or upgrade to an existing service is required; or metering changes. Location and method of servicing is at the sole discretion of Halton Hills Hydro.
- Please note that any costs due to changes required of Halton Hills Hydro's distribution system (i.e. moving poles to accommodate lane ways, driveways and parking lots, etc.) will be borne by the applicant.

Town of Halton Hills Development Engineering:

- The Applicant shall apply for and acquire a Site Alteration Permit for the proposed works. Please contact Development Engineering for the application process and required supporting documents and fees.

TO: Niloo Hodjati, Secretary-Treasurer, Committee of Adjustment & Consent Official
FROM: Ruth Conard, Planner – Development Review
DATE: October 24, 2023
RE: Planning Recommendation for
Application D13VAR23.032H – Dykas
Municipally known as 52 Barraclough Boulevard
Town of Halton Hills (Glen Williams)

APPLICATION

Requesting relief from Zoning By-law 2010-0050, as amended:

1. To increase the total floor area of all accessory structures from the maximum 20 sq m to permit a total floor area of 62.8 sq m.
2. To increase the height of an accessory structure from the maximum 4.5 m to permit a height of 5.2 m.

To accommodate a proposed cabana.

Proposal

The variance is required in order to construct a 62.8 sq m cabana in the rear yard that is 5.2 m high.

RECOMMENDATION

Planning staff recommends that the Committee **defers** its decision in order to allow for further discussions between the Applicant and Planning staff regarding the size and height of the proposed cabana.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

TO: Niloo Hodjati, Secretary-Treasurer, Committee of Adjustment & Consent Official

FROM: Josh Salisbury, Planner – Development Review

DATE: October 24, 2023

RE: Planning Recommendation for
Application D13VAR23.033H – Canadian Tire
Municipally known as 315 Guelph Street,
Town of Halton Hills (Georgetown)

APPLICATION

Requesting relief from Zoning By-law 2010-0050, as amended:

1. To reduce the minimum parking spaces from the required 592 to permit 439 parking spaces.

To accommodate a proposed expansion to the existing retail use.

Proposal

The Applicant is proposing construct a two-storey accessory structure to be used exclusively for private storage.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Corridor Commercial Area under the Town's Official Plan. This designation permits retail uses. Section D2.5.4.1 of the Official Plan provides objectives for this designation which recognize existing commercial development and encourage the consolidation, intensification and expansion of certain commercial uses in this area. Section G13.6 of the Official Plan states that whenever a use is permitted in a land use designation, it is intended that uses, buildings or structures normally incidental, and accessory to that use are also permitted.

Town of Halton Hills Zoning By-Law

The subject property is zoned Corridor Commercial (CC) under the Town's Comprehensive Zoning By-law 2010-0050, as amended. The CC zone permits retail stores. The Zoning By-law requires a parking minimum of 1 space per 20 square metres of net area. With current and proposed uses on the subject lands there is a requirement of 592 spaces.

COMMENTS

Internal Department and External Agency Comments

This application was circulated for review and comment to Town departments and external agencies. No objections were received; relevant comments regarding the Minor Variance application are as follows:

Planning

In June 2022, a previous Minor Variance was granted for the subject lands to permit a reduction of parking spaces from 586 to 463 (file D13VAR22.023H) to accommodate the expansion of an existing retail garden centre. However, the Applicant now requires a new Minor Variance application as they are also proposing to build an attached cash hut to the garden centre which would create the need for more parking spaces. This new proposed use, in addition to other current uses on the subject lands, requires the Applicant to provide 592 parking spaces on-site.

The intent of the parking space minimum is to ensure that businesses in the Town have enough parking to facilitate anticipated customer activity. Transportation staff do not have any objections to the proposed parking reduction given the limited scope and size of the proposed cash hut. However, the most recent parking justification report for this project is from 2019; therefore, staff require an updated study that outlines the full scope of the parking reduction. Planning staff have no objection to the proposed parking reduction for the garden centre/cash hut expansion provided that an updated Parking Demand Study demonstrates that there will be enough parking spaces to meet anticipated peak demand.

Public Comments

No comments have been received from the public as of the date this report was prepared.

RECOMMENDATION

It is the opinion of Planning staff that the application for Minor Variance meets the four tests of a Minor Variance as outlined in the *Planning Act*. The application:

- 1) meets the intent and purpose of the Town of Halton Hills Official Plan;
- 2) meets the intent and purpose of the Town of Halton Hills Zoning By-law;
- 3) is considered to be desirable for the appropriate development or use of the property; and,
- 4) is considered to be minor in nature.

Planning staff has no objection to the approval of this application, subject to the following conditions:

1. The location and construction of the proposed garden centre/cash hut shall be generally in accordance with drawings Site Plan (A1-47 & A1-48) and Exterior Elevations drafted by

Turner Fleischer Architects Inc., date stamped by the Committee of Adjustment on September 22, 2023, to the satisfaction of the Commissioner of Planning & Development.

2. An updated Parking Demand Study which demonstrates adequate parking spaces to meet anticipated peak demand be submitted to the Town's Transportation staff.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes

Halton Hills Hydro

- Halton Hills Hydro must be contacted for an Electrical Service Layout if a new service or upgrade to an existing service is required; or metering changes. Location and method of servicing is at the sole discretion of Halton Hills Hydro.
- Please note that any costs due to changes required of Halton Hills Hydro's distribution system (i.e. moving poles to accommodate lane ways, driveways and parking lots, etc.) will be borne by the applicant.